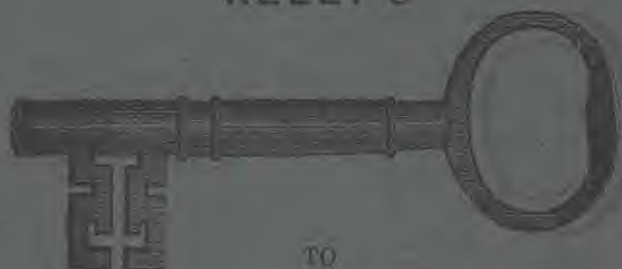


KELLY'S KEYS TO THE CLASSICS.

KELLY'S



TO

CICERO IN VERREM

ACTIO PRIMA.

A LITERAL TRANSLATION

BY

ROSCOE MORGAN, B.A.

JAMES CORNISH & SONS,

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*Ivor Jones / U. C. W.
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BY

ROSCOE MONGAN,

TRANSLATOR OF 'CICERO'S DIVINATIO,' 'CICERO PRO MURENA,' 'IN CATILINAM,'
'PRO MILONE,' 'PRO LEGE MANILIA,' ETC., ETC.



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CICERO'S FIRST ORATION

AGAINST

CAIUS VERRES.

1. THAT which was especially desirable, O judges ! and that which in particular was especially adapted for allaying the odium against your order, and [for rectifying] the corruption of judicial proceedings, that [opportunity] seems to have been given and presented to you, not by human wisdom, but almost providentially, at an extremely critical period of the Republic. For already there has taken root amongst us that opinion injurious to the Republic and dangerous to ourselves, which, in the conversation of all men, was spreading not only at Rome, but also amongst foreign nations ; that, according to these judicial proceedings, which are now [carried on], no wealthy man, however guilty he may be, can be condemned. Now in this crisis itself, of your order and of your judicial proceedings, when men are prepared, who by their harangues and by [proposing new] laws attempt to fan the flame of this odium against the Senate, as an accused person there has been brought before your tribunal Caius Verres, a man already condemned in the opinion of all, in consequence of his life, but, according to his own hope and boastful assertions, acquitted on account of the greatness of his wealth. To this cause, O judges ! with the utmost good-will and expectation of the Roman people, I have come forward as prosecutor, not that I might increase the odium against your order, but that I might shield it against universal disrepute. For I have brought before you a man, in [the case of] whom you may be able to retrieve the lost character of your tribunals, to restore

them into favour with the Roman people and to satisfy foreign nations—a plunderer of the treasury, the oppressor of Asia and Pamphylia, the robber of our civic rights, the underminer [*or*, plague-spot] and destruction of the province of Sicily. Concerning which man, if you shall have decided sternly and religiously, that supremacy, which ought to remain in you, will cling to you still; but if the vast wealth of that individual shall have broken down the sanctity and truth of tribunals, I shall at least obtain this, that it shall become evident that [impartial] judgment was wanting to the State, rather than a criminal to the judges or an accuser to the criminal.

2. Indeed, that I may confess concerning myself how numerous have been the plots laid against me by Caius Verres, both by land and sea, which I partly avoided by my own vigilance, and partly baffled by the zeal and kindness of my friends, yet I seem to myself never to have encountered such great danger, nor have I ever been so much alarmed as I am now before this very tribunal. Nor does the expectation of this my prosecution, and the concourse of so great a multitude, by which matters I am greatly agitated, alarm me as much as those impious plots which he is preparing to execute, at the same time against me, against you, against M. Glabrio the prætor, against the allies, foreign nations, against your order, in fine, against the very name of senator; he, who so frequently asserts that fear should be entertained by those who have seized what was sufficient for themselves only, but that he has plundered so much, in order that it may suffice for many; that there is nothing so sacred that it cannot be violated, nothing so well fortified that it cannot be overcome by money. But if he were as secret in acting as he is daring in attempting, perhaps, in some degree, he might at some time or other have escaped our notice. But, thus far, it happens very conveniently that a remarkable folly has been joined to his incredible audacity. For, as he has been undisguised in seizing money, so, in the hope of bribing the tribunals, he has made his designs and attempts evident to all. Once only in his life he says that he has known fear, at that time when first he was brought forward by me as an accused person; because, when he had recently arrived from his province, and was stamped with odium and infamy, not recent, but old and of long continuance, then the time, ill-adapted for bribing the judges, was unfavourable. Wherefore,

when I demanded a very short time for making investigations in Sicily, he finds out another to demand a period shorter by two days, [for the purpose of going] into Achaia, not in order that he by his diligence and industry might accomplish that which I obtained by my own toil and by my sleepless nights; for that Achaian investigator did not get even as far as Brundisium. In fifty days I so traversed the whole of Sicily, that I became well-acquainted with the documents and wrongs of all the tribes, and of individuals; so that it might be evident to any one that he was seeking out a man, not one who would bring to justice the man accused by himself, but one who would pre-occupy [*lit.* obstruct my time].

3. Now that most daring and most infatuated man thinks this. He understands that I come to court so prepared and informed, that I shall fix deeply his thefts and crimes not only in your ears, but also in the eyes of all. He sees that many senators are witnesses of his presumption; he sees also [as witnesses] many Roman knights, moreover, numerous citizens and allies, to whom he has done remarkable wrongs; he sees also how many and how important are the deputations with public authority and evidence that have assembled from the most friendly states. And although these things are so, to such an extent does he entertain a bad opinion concerning all good men, to such an extent does he consider that the decisions of the senators are corrupt and shameful, that he makes a point of openly asserting this, that he was not without reason fond of money, since he has experienced such a safeguard in money; that he himself (which was the most difficult task of all), has bought up the very time of his own trial, in order that he might be able the more easily to buy up all else besides; so that, since he could in no way escape the violence of the accusations, he might avoid the present fury of the tempest. But if he had placed any hope, not only in his cause, but also in any honourable protection, or in the eloquence or influence of any person, he would not collect and grasp at all these things; nor would he despise and scorn the senatorial order to such an extent, that, at his pleasure, there should be selected from the senate a person to become a defendant, who, whilst he was getting ready, might plead a cause before him [*i.e.* previous to Verres, who wanted to delay his own trial]. By which proceedings, I easily perceive what he hopes for, and to what [purpose] he directs his attention. But why, indeed, he trusts that he can accomplish anything

with the present prætor, and with the present tribunal, I am unable to comprehend. This one fact I understand, which the Roman people decided from his rejection [*or, challenge*] of the judges, that he was possessed with this hope, that he placed all reasonable hope of safety in his money; that, if this safeguard were taken from him, the thought that no manœuvre would be of advantage to him.

4. For what genius can be so great, what talent and fluency of eloquence can be so great, as to be able, in any degree, to shield that man's life, clearly guilty of so many vices and crimes, and long since condemned by the minds and in the opinions of all men? And that I may pass over the blemishes and ignominious deeds of his youth, what else in itself has his quæstorship, that first grade to honour, except that Cnæus Carbo was robbed of the public money by his own quæstor? that the consul was despoiled and betrayed? that his army was forsaken? that his province was abandoned? that the obligation and sanctity of the allotment [of the provinces] was violated?—whose lieutenantcy was the destruction of all Asia and Pamphylia, in which provinces he despoiled many [private] houses, most of the cities, and all the shrines; when he renewed and repeated against Cnæus Dolabella those old crimes committed during his quæstorship, and not only forsook in his dangers, but even assailed and betrayed the man to whom he had been lieutenant and proquæstor, and [whom] he had brought into disrepute by his own evil deeds; —whose city prætorship was the devastation of sacred buildings and the public works, and at the same time, in giving legal decisions, the adjudication and remittance of property and possessions contrary to all precedents. Now, indeed, he has established numerous and vast monuments and marks of all his vices in the province of Sicily, which, during three years, he so devastated and harassed, that it cannot by any means be restored to its former state, and (scarcely) seems capable of being reinvigorated to any extent, except by means of many years and upright prætors. Under this prætor, the Sicilians were in possession of neither their own laws, nor the decrees of our Senate, nor privileges common to all men. Each individual in Sicily retains only as much as either escaped the notice of this most covetous and vicious man, or was too great for his satiety.

5. No cause was decided, during three years, ^{except} unless according to his will; no person's title derived from his father and

in carrying
over the
business of
his com-
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but

guiltless

ancestors was so [firmly established], that it could not be adjudged away from him by the command of this man. Vast [sums of] money were extorted from the property of the cultivators by a new and infamous system ; the most faithful allies were ranked among the number of his enemies ; Roman citizens, like slaves, were tortured and executed ; the most guilty men were freed from judgment by means of bribery ; the most honourable and upright men, having been accused during their absence, their cause not having been pleaded, were condemned and banished ; the most fortified harbours, the greatest and the securest cities, were thrown open to pirates and plunderers ; the sailors and soldiers of the Sicilians, our allies and friends, were slain by famine ; the fleets best built and stationed in the best harbours, to the great disgrace of the Roman people, were scattered and lost. That same prætor rifled and plundered the most ancient monuments, for the most part those of the richest kings, which they had designed as an ornament for their cities, partly also those of our commanders, which they had either as conquerors given or restored to the Sicilian states. Nor did he do this ^{alone} only in [the case of] statues and public ^{ornament} works of art, but he also plundered all the shrines hallowed by the most sacred religious ceremonies ; in fine, he left to the Sicilians not one god which seemed to him to have been shaped according to the slightest workmanlike fashion and ancient skill. In debauchery and infamy, I am deterred by shame from relating his nefarious lusts ; at the same time I am unwilling, by relating them, to increase the distress of those to whom it was not allowed to keep their daughters and wives uncontaminated by his passions. But it may be said that these things were done by him in such a way that they should not be known to all. I think that there is no man who has heard his name, who cannot also tell of his wicked deeds, so that fear must be entertained by me, lest I may be supposed to omit many accusations, rather than to invent any against him. Nor, indeed, does this multitude, which has assembled to listen to me, seem to have wished to discover from me [the facts of] this case, but with me to review those facts with which they are well acquainted.

6. And as these things are so, that infatuated and profligate man contends with me in another manner. He does not contemplate this, that he may oppose the eloquence of any person to me ; he does not rely on the popularity, reputation,

or power of any person. He pretends that he trusts in these things ; but I perceive what he is aiming at, nor, indeed, is he aiming at it very secretly : he sets before me unsubstantial names of the nobility,* that is, the names of arrogant men, who do not so much obstruct me because they are noble, as assist me because they are notorious. He pretends that he relies on their protection, although, in the meantime, he has long since been planning something else. What hope he at present has on hand, and what he is planning, I shall now, O judges ! briefly explain. But previously, I pray you, examine the matter as it had been arranged by him from the outset. When he first returned from the province, exemption from [the consequences of] this trial had been purchased at great expense. That [bargain] remained conditionally, and as a compact up to the last, until the judges were rejected. When that rejection of the judges was obtained, because, both in his drawing the lots the good fortune of the Roman people [had defeated] his hopes, and in challenging the judges my diligence had defeated the presumption of these men, the whole bargain was abandoned. The matter was progressing superbly ; lists of your names and of the whole tribunal were in the hands of all. No mark, no colour, no disgrace seemed likely to be attached to these votes ; when from being eager and joyful, that man suddenly became so downcast and dejected, that he seemed condemned, not only by the Roman people, but even by himself. But lo ! within these last few days, since the consular comitia have been held, the same old plans are being resorted to with greater bribery ; and by means of the same men the same snares are being got ready against your fair fame, and against the fortunes of all. Which matter at first, O judges ! was disclosed to me on very slight evidence and indication ; afterwards, by the open avenue of suspicion, without any mistake, I arrived at all the most secret designs of these men.

7. For as Hortensius, the consul elect, was being escorted home from the Campus [Martius] with a very great throng and multitude, by chance there met that multitude Caius Curio, a man whom I wish to be mentioned rather for the

* 'He appears not to mean by "inania" that "nobilitas," or the condition of being "nobilis," was a "res inania;" but these names of his noble defenders were unsubstantial things, the real substance of his defence being his command of money to bribe with.'—*Long's Verrine Orations.*

sake of honour than of reproach. For I shall state those things which he, if he had been unwilling that they should be related, would not have spoken before such a vast assembly so explicitly and openly ;* which, however, shall be stated by me deliberately and cautiously, so that respect may be understood to have been paid both to our friendship and to his dignity. Amongst the crowd at the Fabian Arch itself he sees Verres. He calls to the man, and with a very loud voice congratulates him. To Hortensius himself, who had been appointed consul, or to his friends and relations, who were then present, he does not address one word ; but he remains with this man [Verres], he embraces him, he exhorts him to have no care. 'I announce to you,' says he, 'that you have been acquitted by this day's elections.' Which [announcement], as so many most honourable men had heard it, was immediately reported to me ; nay, indeed, as each one saw me, he related [the occurrence]. To some it seemed disgraceful, to others absurd ; [it seemed] absurd to those who thought that his cause depended on the credibility of witnesses, on the reasonableness of the accusations, on the authority of the judges, and not on the consular elections ; [it seemed] disgraceful to those who looked into it more deeply and saw that this congratulation had in view the corruption of the judge. For thus the most honourable men reasoned ; thus they conversed with one another and with me : 'that openly and clearly there are now no [uncorrupt] tribunals ; that criminal, who the day before himself thought that he was condemned, he is [considered] acquitted, when his defender has been appointed consul. What, then ! will it avail nothing that all Sicily, that all the Sicilians, that all the merchants, that all the documents, both public and private, are now at Rome ? [They will avail] nothing, if against the will of the consul elect. What ! will not the judges follow out the accusations, the witnesses, and the public opinion of the Roman people ? No ; all things will be dependent on the influence and the forbearance of one individual.

8. I will speak truly, O judges !—this matter alarmed me exceedingly. For each most honourable man was speaking thus : 'That man, indeed, will be rescued from you ; but we shall not retain our judicial authority much longer. For,

* '*Aperte* refers to words which were not ambiguous ; *palam*, to the open declaration before the multitude.'—*Dr. Arnold's Rugby Edition*.

when Verres is acquitted, who will be able to take exception to the transfer of judicial authority?' It was annoying to all; and the sudden joy of that abandoned man did not influence them, as much as that new congratulation of a most distinguished man. I desired to dissemble that I was annoyed at it; I desired to hide the grief of my mind by my looks, and to conceal it in silence. But lo! within those very few days, when the prætors elect were determining their duties by lot, and when it fell to Melettus, that he should inquire into the subject of extortion, I am informed that so great congratulation was paid to him, that he also sent home messengers to announce this to his wife. Truly, indeed, this proceeding did not please me; nor did I understand what I had to fear so greatly in [consequence of] this allotment. This one fact I found out from trusty men, from whom I used to discover all things; that several baskets with Sicilian money had been transferred by some senator to a Roman knight; out of these, about ten baskets had been left behind at the senator's house, for the purpose of [preventing] my election [as curule ædile]; and that distributors [of this money] from all the tribes had been summoned to him by night. One of whom, who thought that he ought [to do] everything for my sake, on that very same night came to me; he points out what language that man had used: that that man had related how generously he had treated them, even previously, when he himself was seeking the prætorship, and at the last consular and prætorian elections; then, that he had promised them immediately as much money as they desired, if they could reject me from the ædileship. Hereupon, that some had declared that they dare not do it; that others had answered, that they thought that it could not be accomplished; however, that one resolute friend was to be found, of the same family, Quintus Verres, of the Romilian tribe, of the best school of bribers, a pupil and friend of that man's father, who promised that if five hundred thousand sesterces were deposited, he could accomplish it, and that there were some others who said that they would act with him. And since these things were so, indeed, with very friendly feelings, he warned me that I should take every precaution.

9. I was rendered uneasy by most important matters at one and the same time, and that time was very short. The elections were closely approaching, and in these I was [already] being opposed by a large [outlay] of money. This

trial also was coming on; that proceeding also the Sicilian treasurers menaced. Through apprehension about the election, I was prevented from carrying out freely those matters which pertained to the trial. I was not permitted to give my whole mind to the canvass. In fine, it was not my plan to threaten the distributors of bribes, because I perceived that they saw clearly that I should be embarrassed and impeded by this trial. And I hear that at that very period notice had been sent to the Sicilians, in the first place by Hortensius, that they should come to him to his house; that the Sicilians in that were uncontrolled in their choice [*lit. free*], who [*qui* for *quos*; attracted to be the nominative to *intelligerent*], when they understood why they were sent for, did not come. In the meantime my comitia began to be held, of which that man thought that he could be the controller, as he has been of the other comitia during this year. That influential man [began] to canvass the tribes with his gentle and popular son; [the latter began] to address and assemble his father's friends, that is, the bribery agents. When this was understood and observed, the Roman people, with a most willing mind, acted in such a manner that I should not be deprived of the honour by the money of that man, whose wealth had not been able to draw me away from my fidelity. When I was freed from the great anxiety with regard to my canvass, I began, with a mind much more at leisure and free, to do and to plan nothing except what concerned this trial. I learn, O judges! that these plans have been entered into and arranged by these men, in order that by every possible means the proceedings might be protracted, so that the cause should be pleaded before Marcus Metellus as prætor. In that [case], there are these advantages: in the first place, that Marcus Metellus is most friendly [to Verres]; in the next place, that not only Hortensius would be consul, but Quintus Metellus also; and observe how great a friend [the latter] is to that man [Verres]. For [Metellus] gave an intimation of his goodwill, of such a kind, that he seemed to have already repaid that man [*i.e.* Verres], for [securing for him] the first votes. Did you imagine that I should be silent respecting such important matters, and that, in such great danger to the Republic and to my own reputation, I should consult anything rather than my duty and my dignity? The other consul elect sends for the Sicilians; some of them come, because Lucius Metellus had been prætor in Sicily. He speaks with.

them thus: that he is the consul; that one of his own brothers governs the province of Sicily; that the other will prosecute concerning extortion; that precaution has been taken in many ways, in order that no injury may be done to Verres.

10. What, I ask you, O Metellus! is corrupting justice, if this is not? not only by your own influence, but also by their fear of the consular office, and by the power of two prætors, to intimidate witnesses, particularly Sicilians, men nervous and oppressed? What would you do for an innocent man or for a relation, when on account of a most abandoned man, and altogether unconnected with you, you depart from your duty and high rank, and you act in such a manner, that what he frequently asserts seems true to any one who does not know you? For they used to say that Verres asserted this, that you were appointed consul, not by fate, as the rest of your family, but by his own exertions. Therefore, two consuls and one quæstor will be [acting] according to his will. 'We shall escape,' he says, 'not only a man too searching in his investigations, too yielding to public opinion, M. Glabrio; but we shall gain this [advantage] as well: Marcus Cæsonius is the judge, the colleague of our accuser, a man approved of and experienced in deciding causes: and it would be least of all expedient that he should be on that bench, which we are attempting to bribe by any and every means, for this reason, that already on a previous occasion, when he was judge on the tribunal presided over by Junius, he was not only indignant at that most disgraceful act [*i.e.* of the bribery of his brother judges], but he also brought it before the public. After the first of January, we shall not have this man as judge. We shall not have as judges Quintus Manlius and Quintus Cornificius, two most strict and upright judges, because they then will be tribunes of the people. It is necessary that Publius Sulpicius, a judge stern and incorruptible, should enter upon office on the fifth of November. Marcus Crepereius, of that most energetic equestrian family and character; Lucius Cassius, of a family most stern in all capacities, and especially as judges; Cnæus Tremellius, a man of the utmost scrupulousness and perseverance—these three veterans are the military tribunes elect; after the first of January they cannot act as judges. And also we shall appoint [a successor] into the place of Marcus Metellus, since he will preside over this very trial. Thus, immediately after the first of January,

the prætor and almost the whole tribunal having been changed according to our own will and pleasure, we shall baffle the great threats of the prosecutor, and the great expectations [entertained] of this trial. To-day is the fifth of August. At the ninth hour you began to assemble. They do not even count this day. There are ten days before the votive games which Cnæus Pompeius is about to celebrate. These games will take away fifteen days; then, without interruption, the Roman [games] will follow. Thus, when nearly forty days have intervened, then, at length, they think that they will have to reply to what has been said by us; in the next place, [they think], that both by pleading and by legal excuses they can easily prolong it until the games of victory. [They reflect also] that the plebeian games are joined with these; after which there will be either no days, or at least very few, for pleading. Thus, when the accusation has been worn out and has cooled down, that the entire matter will come afresh before Marcus Metellus as prætor. Which man, if I had distrusted his good faith, I should not have retained as judge; now, however, I am of this opinion, that I should prefer that this matter be concluded rather before him as judge than as a prætor, and I would rather entrust to him, after taking the oath, his own [tablet], than the tablets of others if he had not taken the oath. *

11. Now I, O judges! consult you as to what you think I ought to do; for, indeed, although silent, you will give me that advice, which I understand must necessarily be adopted by me. If I employ in making a speech the time which would be legitimately allowed me, I shall reap the fruit of my toil, my exertions, and my diligence; and by this prosecution I shall make it clear that no one ever, in the memory of man, appears to have come forward to a trial better prepared, more vigilant, or better informed. But during this praise of my exertions there is extreme danger lest the criminal may escape. What then, in this case, can be done? [The expedient] is neither obscure, I think, nor concealed. The fruit of the praise, which might be obtained by an uninterrupted speech, I shall reserve for another occasion; I shall now impeach the man by documentary evidence [*lit.* tablets], by witnesses, by private and public letters, and by confirmatory proofs [*lit.* authorities]. All this contest is between you and me, O Hortensius! I will speak openly. If I thought that you were contending with me in speaking, and in effacing my

accusations in this case, I also would expend my exertions in impeaching, and in enlarging on the charges; now, since you have determined to fight against me, not so much according to your natural disposition, as according to [*i.e.* to suit] the requirements [*lit.* time] and cause of that man [Verres], in a crafty manner, it is necessary that by some prudent resolution [*consilio*], I should oppose a plan of that description. Your plan is, that you may begin to reply to me after two sets of games; mine, that I might adjourn the matter before the first games. Thus it will happen, that your plan will be considered crafty, but my design [will be considered] unavoidable.

12. But that which I had begun to say is to this effect: that the contest is between yourself and me [O Hortensius!]. When I had undertaken this cause at the request of the Sicilians, and thought it a noble and an illustrious [honour] for me, that they who had already put to the proof [*periculum* understood] my innocence and forbearance, should wish to make such a test of my integrity and perseverance; then, having undertaken this task, I proposed to myself a greater one, in which the Roman people might be able to clearly perceive my zeal towards the Republic. For that [alone] seemed to me by no means worthy of my perseverance and my exertions, that that man, already condemned in the judgment of all, should be summoned to judgment by me, had not that insufferable power of yours, and that grasping disposition, which during these last [few] years you have employed in certain trials, been interposed also in the case of this abandoned man. Now, indeed, since all this domineering and sovereignty over judicial proceedings delight you so much, and since there are men who are neither ashamed nor weary of their own licentiousness and dishonour, who, as if intentionally, seem to rush forward to [encounter] odium and unpopularity from the Roman people, I openly declare that I have undertaken this, a burden perhaps great, and fraught with peril to myself, but one worthy of my straining every nerve of my frame, [*lit.* age] and of my intellectual energy. Since the whole, [senatorial] order is being oppressed by the dishonesty and presumption of a few, and is being overwhelmed by the degradation of the tribunals, I declare myself against this class of men a personal enemy, an accuser deserving of their hatred, a persevering and a bitter opponent. I take this upon myself, I demand this for myself [as a duty] which I may perform during my magistracy, which I may perform

from that place [*i.e.* the rostrum] from which the Roman people, from the first of January next, has desired that with themselves I should propose measures concerning the Republic, and concerning wicked men; I promise to the Roman people this noblest and fairest display of my ædileship. I advise, I warn, I give notice beforehand to those who are accustomed either to pay down money as principals, to receive it as agents, to take the bribe, or to proffer their votes, or to be either depositaries or agents in corrupting justice, and who have promised for this purpose either their influence or their effrontery in this trial, to restrain their hands and thoughts from this infamous wickedness.

13. Hortensius then will be consul with the highest command and power; but I shall be ædile, that is, a little more than a private person; and yet this matter which I promise that I will attend to is of that nature, so agreeable and pleasing to the Roman people, that the consul himself, in comparison with me, may seem, if it were possible, to be even less than a private individual. All these things shall not only be mentioned, but when certain matters are set forth, shall be treated of at length, which within the last ten years, since legal judgments have been transferred to the Senate, have been carried out infamously and disgracefully in deciding causes. The Roman people shall understand from me why it is that when the order of the knights held the power of judgment during nearly fifty successive years, in no case in which a Roman knight was the judge was there ever established even the very slightest suspicion of a bribe having been received on account of the matter to be decided. [They shall understand from me] what is the reason that when the judicial authority was transferred to the order of the senators, and the power of the Roman people over every one of us was withdrawn [*i.e.* when the power of appealing to the tribunes of the people was withdrawn], why Quintus Callidius, having been found guilty, asserted that a man of prætorian rank could not be honourably condemned at less than three hundred thousand sesterces; why it is that, when Publius Septimius, a senator, was found guilty of extortion, under the prætorship of Quintus Hortensius, damages were given on this consideration, that he had accepted a bribe on account of the case to be decided by him; why in [the case of] Caius Herennius, why in [that of] Caius Popillius, senators, both of whom were found guilty of peculation; why, [in the case of] Marcus Atilius,

who was convicted of treason, this was made evident that they had received bribes on account of the case to be decided by them; why senators were found, who, when Caius Verres, as city prætor, was distributing the lots voted against the accused person whom they were condemning without having investigated his case; why it is, that a senator [*i.e.* Caius Ælius Stalenus] was found, who, when he was judge, at the same trial both received from the accused money which he was to distribute among [his brother] judges, and also [money] from the accuser that he might condemn the accused? But how, indeed, can I sufficiently lament that blot, that disgrace, that misfortune of the entire order, that this occurred in this city, when the senatorial order supplied the judges, that the votes of men, when sworn, were known by different coloured tablets? I promise that I will investigate all these things carefully and strictly.

14. And what do you think will be my state of mind, if on this very trial I shall become aware that any violation [of the law] has been committed in any similar manner? Particularly when, by many witnesses, I can make it evident, that in Sicily, in the hearing of many, Caius Verres had often said 'that he had a powerful friend, in reliance on whom he was plundering the province; and that he was seeking money not for himself alone, but that he had so distributed that three years' period of his Sicilian prætorship, that he should say he managed matters particularly well if he converted the gains of one year to [the increase of] his own property, if he assigned [the gains of] the second [year] to his patrons and defenders, and if he reserved the entire [gains of] the third year, the most productive and the most profitable, for the judges.' In consequence of which it occurred to my mind, to say that which, when I had lately asserted before Marcus Glabrio at the time of rejecting the judges, and [by which] I understand that the Roman people were greatly affected: 'that it would come to pass that foreign nations would send ambassadors to the Roman people, in order that the law and the judicial proceedings concerning extortion might be abolished. For, if there were no trials, they think that each man would carry away from them only so much as he would consider sufficient for himself and for his children; but that now, because there are trials of this description, each one carries away as much as will be likely to be sufficient for himself, his patrons, his advocates, the prætor, and the

judges; and that this amount is indeed enormous; that they might be able to satisfy the greediness of [one] most avaricious man, but that they cannot maintain [the expense of] a most guilty victory. O trials worthy of relation! O splendid character of our order! when the allies of the Roman people are unwilling that those trials for extortion should be held, which were established by our forefathers for the sake of the allies. Would he ever have entertained any favourable expectation concerning himself, unless he had conceived in his mind a bad opinion of you? On which account, if it were possible, he ought to be in greater odium with you than he is with the Roman people, since he opines that you are like himself in avarice, guilt, and perjury.

15. Against which assumption [*lit.* place], by the immortal gods, O judges! take measures and provide, I warn you, and I assert that which I understand, that this most favourable opportunity has been granted to you providentially, that you may free your entire order from odium, unpopularity, dishonour, and disgrace. There is no strictness [thought to exist] in the tribunals, no religious scruples—in fine, there are thought to be now no tribunals at all. Wherefore, by the Roman people we are scorned and despised, we are branded with an infamy severe and now of long duration. Nor for any other reason has the Roman people with such great zeal sought a renewal of the tribunician power, which when it was demanding in words, it seemed to demand that, but in reality it was demanding [uncorruptible] tribunals. And this did not escape the notice of Quintus Catulus, a most wise and honourable man, who, when Cnæus Pompeius, a man most resolute and illustrious, brought in a bill concerning the tribunician power, when he was asked his opinion, used this preface [*lit.* beginning] with the greatest effect: ‘that the conscript fathers discharged the duties of the tribunals badly and disgracefully, but if in deciding causes they had desired above all things to satisfy the expectations of the Roman people, men would not so exceedingly regret the tribunician power.’ Lastly when Cnæus Pompeius, as consul elect, first delivered his address [*or*, held an assembly] outside the city, when he declared that he would do that which was chiefly looked forward to, [namely] that he would restore the tribunician power, at his words [*lit.* at him] arose a shout and a grateful murmur of the assembly. When the same man at the same assembly asserted: ‘that the provinces were

devastated and harassed, but that the tribunals had become dishonourable and disgraceful, and that he wished to take precaution, and to remedy this evil ;' then, indeed, the Roman people, not with a shout, but with the greatest uproar, intimated their approbation.

16. But now men are on the watch ; they observe how each of you conducts himself in maintaining religion, and in upholding the laws. They see that as yet, since the tribunician law [*i.e.* either Sylla's law, which suspended the tribunician power, or the law of Pompeius, which restored it], that one senator, and a very insignificant one, has been condemned ; which act, although they do not censure, yet they do not hold it as one which they can greatly praise. For there is no credit in being upright in a case in which there is no one who is either able or [who] attempts to bribe. This is a trial in which you will decide concerning the accused, and the Roman people concerning yourselves. In [the case of] this man it will be determined whether, when senators are judging, a man most guilty and most wealthy can be condemned. Besides, the accused is a man of this class, in whom there is found nothing except the most enormous crimes and the greatest wealth ; so that, if he be acquitted, there can remain no other opinion, unless that which is most disgraceful ; his vices so numerous and so enormous will seem to have been cleared away, not by influence, not by family connexion, not by any good deeds, in fine, not even by any moderate [degree of] criminality. Lastly, O judges ! I shall thus conduct the cause ; I shall bring forward facts of this description, so well known, so well attested, so important, and so evident, that no one shall attempt to obtain from you the acquittal of that man by means of interest. But I have a sure way and means, by which I can trace out and follow up all their attempts. The matter shall be so arranged by me, that not only the ears of the public, but even the eyes of the Roman people may seem to be present at all their counsels. You have it now in your power to efface and remove the dishonour and the disgrace attached to this order during so many years. It is recognised amongst all men, that, since the establishment of the tribunals which we now make use of, there has never been a court of judges of such splendour and dignity as this ; in this case, if any dissatisfaction be given, all men will consider, not that now from the same order [should there be appointed] more competent [judges]—for

that is impossible—but that another order altogether must be found for deciding causes.

17. Wherefore in the first place, O judges! I beg from the immortal gods that same thing, which I flatter myself is the case, that, in this trial, no one may be discovered to be a bad man, except that man who has long since been found out; secondly, if there are many wicked men, I pledge my word to you, O judges! and to the Roman people also, that, by Hercules, my life shall fail me rather than energy and perseverance in hunting down their iniquity. But that iniquity, which, if it be committed, I promise that I will sternly punish at the cost of howsoever many exertions and dangers to myself, and [men] under personal enmities, you, O Marcus Glabrio! by your wisdom, influence, and diligence can take care that that [iniquity] may not occur. Undertake the cause of the tribunals; undertake the cause of impartiality, integrity, good faith, and religion; undertake the cause of the Senate, that, having been proved worthy on this trial, it may be able to be [reinstated] both in reputation and in popularity with the Roman people. Reflect who you are, and in what a position you are placed; what you ought to give to the Roman people, what return you ought to make to your ancestors; see that the remembrance of your father's Acilian law may occur to your thoughts, in consequence of which law, in cases of extortion, the Roman people has obtained the benefit of the best decisions and the most impartial judges. There surround you the highest influences, which will not permit you to forget the glory of your house, which by day and by night will remind you that your father was most brave, your grandfather most wise, and your father-in-law most dignified. Wherefore, if you shall have inherited the energy and sternness of your father Glabrio in resisting the most daring men; if you shall have inherited the precaution of your grandfather Scævola for the purpose of foreseeing the plots which are being laid against the reputation of yourself, and of these [your brother judges]; if [you shall have inherited] the firmness of your father-in-law Scaurus, so that no one can cause you to swerve from your real and deliberate opinion; the Roman people will understand, that, with a very upright and honourable prætor, and with a carefully chosen court of judges, the vastness of his wealth has more weight in raising against an accused person a suspicion of his guilt than in contributing to his safety.

18. I have determined not to permit that in this cause the prætor and the judges be changed for us. I will not allow the matter to be protracted to a period when the lictors of the consul may be able to call those Sicilians, whom as yet the servants of the consuls elect, could not influence, when, according to an extraordinary precedent, they summoned them all; [I will not permit] that those most unhappy men, formerly the allies and friends of the Roman people, now slaves and suppliants, shall lose not only the rights that belong to them, and all their fortunes by their (*i.e.* the consuls') authority, but shall not even have the power of deploring [the loss of] their rights. I will not allow, indeed, when the cause has been pleaded by me, and forty days have intervened, that then at last an answer shall be given to me, when my accusation may [probably] have been dragged into oblivion through lapse of time: I will not allow that this matter be judged at a time when this crowded throng from all Italy shall have departed from Rome, which [throng] assembles simultaneously from all parts, for the sake of the elections, the games, and the registration. [I think that] the solid reward [*lit.* fruit] both of this decision and its credit, and the risk of unpopularity [ought to be] yours the toil and anxiety my own; and I think that the knowledge of what is being done, and the recollection [with regard to] what has been said by each one, ought to belong to all. I shall take this course, [which is] not a new one, but which has previously been taken by those who are now the leaders of our state—I shall bring forward my witnesses immediately. What you will recognise as a novelty on my part, O judges! is this: that I shall so bring forward witnesses as to place before you the entire accusation generally; and when I shall have established that by putting leading questions, by arguments, and by commenting on it, I shall then adapt my witnesses to the accusation itself, so that between the established [mode of] accusation and this new one of mine there may be no difference, unless that in the one, witnesses are brought forward only when everything has been said—in this case they will be produced at each particular [stage], so that the other side also may have the same opportunity of cross-examining, of arguing, and of making comments. But if there be anyone who desires a continued oration and impeachment, he shall hear it in another trial. Now let him understand that what we are now doing is done unavoidably

—we do it for this reason, that we may put forward our prudence in opposition to their evil design. This will be the accusation of the first action. We assert that Caius Verres has with the utmost licentiousness committed many acts of cruelty to the Roman citizens and allies, many wicked acts against God and man, and that he has besides, illegally carried off from Sicily forty millions of sesterces. This by witnesses, this by private documents and by public authorities, I shall render so clear to you, that you shall be resolved on this, that even though we had [any amount of] time for pleading at our convenience and leisure-days, nevertheless that there was no necessity for a lengthened oration. I have spoken.

THE END.

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